

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:24-CV-22849

NERLYNE AUGUSTE,

Plaintiff,

vs.

DESH INCOME TAX &
IMMIGRATION SERVICES, LLC
AND MAGDALA NICLASSE,

Defendants.

_____ /

PLAINTIFF'S STATEMENT OF CLAIM

Plaintiff, Nerlyne Auguste, pursuant to the Court's Order in Actions Brought Under the Fair Labor Standards Act [ECF No. 7], files this Statement of Claim based on the information known to her, and estimates as follows:

Preliminary Statement

This Statement of Claim is not to be construed as a demand, nor as an exact quantification of her damages, but merely as a case management tool required by the Court. *See Calderon v. Baker Concrete Const., Inc.*, 771 F.3d 807, 811 (11th Cir. 2014) ("That document is an extra-Rules practice used by the district court for its convenience and to aid in case management. It does not have the status of a pleading and it is not an amendment under Rule 15 of the Federal Rules of Civil Procedure.")

Information Requested by the Court

1. Plaintiff does not have all of the time and pay records from her employment at this time, and so she must estimate the hours she worked, the pay she received for those hours, and the corresponding wages due.

2. Plaintiff prepared this Statement of Claim with the assistance of counsel.

3. In total, Plaintiff estimates that she is owed **\$22,537.40** in unpaid straight time and overtime wages.

4. Plaintiff estimates that she is owed **\$18,000.00** in unpaid straight time wages, and **\$4,537.40** in unpaid overtime wages.

5. Plaintiff calculated the amount of unpaid straight time wages she is owed as follows:

Dates Worked	Weeks	Regular Rate	Hours Worked	Wages Owed
May 1, 2023 - Sep. 1, 2023	18	\$1,000/week	54 hours/week	\$18,000

6. Plaintiff claims that she is owed straight time wages for work performed between May 1, 2023 and September 1, 2023.

7. Plaintiff calculated the amount of unpaid overtime wages she is owed as follows:

Dates Worked	Weeks	Regular Rate	Overtime Worked	Hourly Conversion	Half Rate	Wages Owed
Jan. 1, 2023 - Sep. 1, 2023	35	\$1,000/week	14 hours/week	\$18.52/hour	\$9.26/hour	\$4,537.40

8. Plaintiff claims that she is owed overtime wages for work performed between January 1, 2023 and September 1, 2023.

9. Plaintiff also seeks liquidated damages in an amount equal to the above unpaid wages, reasonable attorneys' fees and costs pursuant to the FLSA, and damages in connection with her claims under Fla. Stat. § 68.065.

10. Plaintiff's Statement of Claim is based upon the information currently known and/or available.

11. Plaintiff reserves the right to amend this Statement of Claim based upon additional information provided by Defendants, through discovery, and/or as additional/different information becomes known.

12. This Statement of Claim does not include any computation of damages other than those sought in the operative/pending Complaint and is subject to revision through the course of discovery and/or the amendment of the Complaint.

Respectfully submitted this 1st day of October 2024.

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